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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,864	12/11/2003	Kevin Blair Frender	BEAS-01307US1	8087

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EXAMINER	
PRICE, NATHAN E	

ART UNIT	PAPER NUMBER
2194	

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12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/733,864	FRENDER ET AL.	
	Examiner	Art Unit	
	Nathan Price	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-69* is/are pending in the application.

4a) Of the above claim(s) *See Continuation Sheet* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5,6,15-19,24,28,29,38-42,47,51,52 and 61-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/28/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 2-4,7-14,20-23,25-27,30-37,43-46,48-50,53-60 and 66-69.

DETAILED ACTION

1. This Office Action is in response to communications received 20 September 2007. Claims 1-69 are pending, of which, claims 2-4, 7-14, 20-23, 25-27, 30-37, 43-46, 48-50, 53-60 and 66-69 have been withdrawn. Previous objections and rejections not included in this Office Action have been withdrawn.

Claim Objections

2. Claims 1, 5, 28 and 51 are objected to because of the following informalities:

Claim 1 does not have a period at the end.

Claims 5, 28 and 51 recite "sever" and it is believed that Applicant intended to state "server" instead.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 5, 6, 15-19, 40 – 42 and 63 – 65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 1, 5, 6, 15-19 appear to recite a mobile device comprising a memory and a processor. The additional elements appear to be the intended use of the mobile device, memory and processor. It is not clear if the intended uses recite limitations of the claims.

5. In claims 18, 41 and 64, "includes" is interpreted as open-ended such that additional elements can be included. Therefore, it is not clear if "single XML field" limits the simplified message to including one and only one XML field.

6. Claims 17 – 19, 40 – 42 and 63 – 65 contain the trademark/trade name SOAP and/or XML. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe formats that can change and, accordingly, the identification/description is indefinite.

7. Claim 40 recites the limitation "the simplified messages" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 5, 6, 15, 24, 28, 29, 38, 47, 51, 52, 61 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al. (US 2002/0147850 A1; "Richards") in view of Jaworski and Glass (see PTO-892 mailed with this Office Action).

9. As to claim 1, Richards teaches a mobile device (¶ 40) comprising:

a memory to store application data, the application data being associated with an application (¶ 19, 40, 42); and

a processor to run the application, the application containing presentation information, information for interpreting the stored application data, using the information in the application to produce a display including data from the stored application data, interacting with a server to update stored application data in the background when a connection between the mobile device and server is available (¶ 19, 40, 42).

10. Richards fails to specifically teach the application data being persistent when the application is not running, executing a runtime environment program and information for constructing messages to a server as claimed. However, Jaworski teaches the application data being persistent when the application is not running (p. 934 ¶1 – 2) and executing a runtime environment program (Fig. 1.1; p. 5 ¶2 – 3). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because Richards teaches using Java (¶40) and Jaworski teaches details of Java. Furthermore, Glass teaches information for constructing messages to a server (p. 18 WSDL ¶1). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both are directed towards providing services and resources in distributed systems.

11. As to claim 5, Richards teaches the mobile device and the server use asynchronous messaging (abstract; ¶ 19, 42).

12. As to claim 6, Richards teaches messages are stored until a connection between the mobile device and server is available (abstract; ¶ 19, 42).

13. As to claim 15, Richards fails to specifically teach web services as claimed. However, Glass teaches the application receives data from web service (p. 5 ¶3 – p. 7 ¶1; p. 9 ¶1).

14. As to claims 24, 28, 29, 38, 47, 51, 52, 61 and 52, see the rejection of claims 1, 5, 6 and 15.

15. Claims 16 – 19, 39 – 42 and 62 – 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards in view of Jaworski and Glass as applied to claims 1, 24 and 47 above, and further in view of Kikinis (US 2002/0049833 A1).

16. As to claim 16, Richards fails to specifically teach simplified messages as claimed. However, Kikinis teaches the runtime environment program sends simplified messages to the server (abstract; ¶ 76 – 77, 188). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both Richards and Kikinis are directed towards providing services and resources in distributed systems to devices such as hand-held computers and PDAs.

17. As to claim 17, Kikinis teaches the server converts the simplified messages to messages for the service and converts messages from the service into simplified messages for the mobile device (abstract; ¶ 76 – 77, 188), but fails to specifically teach

SOAP and web services. However, Glass teaches SOAP and web services (p. 7 ¶3), which teaches a format that can be used by Internet sources described by Kikinis (abstract).

18. As to claim 18, Glass teaches each simplified message includes a title and a single XML field (p. 5 ¶4 – p. 7 ¶1).

19. As to claim 19, Glass teaches the XML field contains an XML fragment (p. 5 ¶4 – p. 7 ¶1).

20. As to claims 39 – 42 and 62 – 65, see the rejection of claims 16 – 19.

Conclusion

21. The prior art made of record on the P.T.O. 892 that has not been relied upon is considered pertinent to applicant's disclosure. Careful consideration of the cited art is required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Price whose telephone number is (571) 272-4196. The examiner can normally be reached on 6:00am - 2:30pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER